

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

15BG

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SUMMONS ISSUED

STEPHEN BRUNNER
Plaintiff

vs.

Case No. 2:20-cv-1751

BECHTEL, Roger Lis
Babcock & Wilcox Construction Company, Kevin Kandt
McCarl's, Ken Burk
Great Arrow Builders, Mark Selbert
Defendant(s)

FILED

NOV 16 2020

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

EMPLOYMENT DISCRIMINATION COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

STEPHEN BRUNNER
818 11th Street
Ambridge, PA 15003
Beaver County
4129320005

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

BECHTEL, Roger Lis
300 Frankfort Road
Monaca, PA 15061

McCarl's, Ken Burk
300 Frankfort Road
Monaca, PA 15061

Babcock & Wilcox Construction Company, Kevin
Kandt
300 Frankfort Road
Monaca, PA 15061

Great Arrow Builders, Mark Selbert
300 Frankfort Road
Monaca, PA 15061

JURISDICTION

The Court has jurisdiction over this action under 28 U.S.C. § 1331.

3. This employment discrimination lawsuit is based on (check only those that apply):

- a. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et. seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the appropriate administrative agency.*
- b. ☒ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et. seq.*, for employment discrimination on the basis of age (age 40 or older). **NOTE:** *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the appropriate administrative agency.*
- c. American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et. seq.*, for employment discrimination on the basis of disability. **NOTE:** *In order to bring suit in federal court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the appropriate administrative agency.*
- d. Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et. seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. **NOTE:** *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate administrative agency.*
- e. Other (please describe)

4. If you are claiming that the discriminatory conduct occurred at a location other than the defendant's address above, please provide the following information on where the conduct occurred:

Pennsylvania Chemical Cracker Plant
300 Monaca road
Monaca, PA 15061

5. When did the discrimination occur? Please give the date or time period:

May 2017 to September 2019

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

- a. ☒ Yes Date filed: 1/8/2020
- b. No

7. Have you received a Notice of Right to Sue Letter?

- a. ☒ Yes If yes, please attach a copy of the letter to this complaint.
- b. No

NATURE OF THE CASE

8. The conduct complained of in this law suit involves (check only those that apply):

- a. ☒ Failure to hire me
- b. Termination of my employment
- c. Failure to promote me
- d. Failure to accommodate my disability
- e. Terms and conditions of employment differ from those of similar employees
- f. Retaliation
- g. Harassment
- h. ☒ Other conduct (please specify):

Defamation of Character

- i. Did you complain about this same conduct in the charge of discrimination, referred to in number 6 above?

☒ Yes

No

9. I believe that I was discriminated against because of my (check all that apply):

- a. Race
- b. Religion
- c. National origin
- d. Color
- e. Gender
- f. Disability

g. ☒ Age (my birth year is 1/5/1961)

h. Other conduct (please specify):

10. Did you state the same reason(s) in the charge of discrimination, referred to in number 6 above?

☒ Yes

No

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct (i.e. how, where, and when). Each paragraph must be numbered separately, beginning with number 11. Please write each allegation of discrimination in a separately numbered paragraph.

11. After working for two years at the Pennsylvania Chemical Cracker Plant in Monaca, PA from June 2015 to May 2017, I was wrongfully rejected for hire due to my Age and Defamation of Character by the Defendants from May 2017 to September 2019. Moreover, two younger coworkers were hired and bettered at the time than the Plaintiff.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

12. Loss of Income

Back Pay/Medical \$157,711.17

Front Pay/Medical \$157,711.17

Less earned Income \$79,912.58

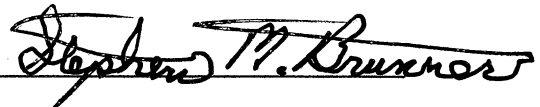
Total \$235,509.76

I am also seeking the following amount in monetary compensation: \$235,509.76

The Plaintiff wants a trial by jury.

Date 11-16-2020

Signature of Plaintiff



Mailing Address:
STEPHEN BRUNNER
818 11th Street
Ambridge, PA 15003

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Stephen M. Brunner**
818 - 11th Street
Ambridge, PA 15003

From: **Pittsburgh Area Office**
1000 Liberty Avenue
Room 1112
Pittsburgh, PA 15222

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

533-2020-00646

Legal Unit,
Legal Technician

(267) 589-9700

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)


- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Deborah A. Kane,
Director

08/26/2020

(Date Mailed)

Enclosures(s)

cc:

Julie A. Trout
KASTNER WESTMAN & WILKINS, LLC
3550 West Market Street
Suite 100
Akron, OH 44333

EEOC Form 161 (11/16)

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On behalf of person(s) aggrieved whose identity is
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EEOC Charge No.

EEOC Representative

Telephone No.

533-2020-00647

Legal Unit,
Legal Technician

(267) 589-9700

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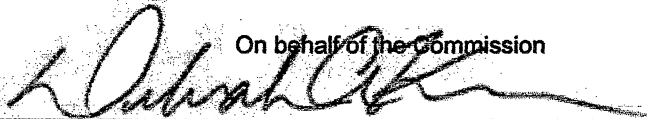
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On behalf of the Commission



Deborah A. Kane,
Director

08/26/2020

(Date Mailed)

Enclosures(s)

cc:

Sheila Bruner
Executive Assistant
1413 9th Avenue
Beaver Falls, PA 15010

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Stephen M. Brunner**
818 11th Street
Ambridge, PA 15003

From: **Pittsburgh Area Office**
1000 Liberty Avenue
Room 1112
Pittsburgh, PA 15222

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

533-2020-00166

Philadelphia Legal Unit,
Legal Technician

(267) 589-9700

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

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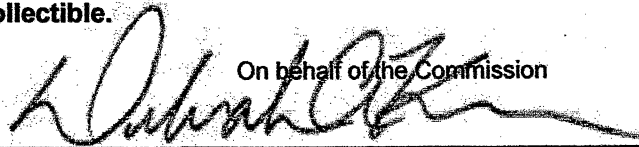
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On behalf of the Commission



Deborah A. Kane,
Director

08/26/2020

(Date Mailed)

Enclosures(s)

cc:

Justin C. Eller
Jackson Lewis PC
2800 Quarry Lake Drive
Suite 200
Baltimore, MD 21209

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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818 11th Street
Ambridge, PA 15003

From: **Pittsburgh Area Office**
1000 Liberty Avenue
Room 1112
Pittsburgh, PA 15222

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

533-2020-00968

Legal Unit,
Legal Technician

(267) 589-9700**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

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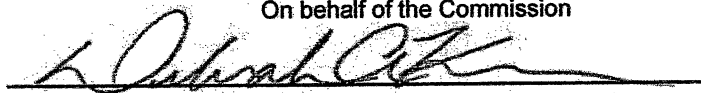
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On behalf of the Commission



Deborah A. Kane,
Director

08/31/2020

(Date Mailed)

Enclosures(s)

cc: **Craig Brooks, Esq.**
Houston Harbaugh
401 Liberty Avenue, 22nd Floor
Pittsburgh, PA 15222